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*Admitted only in Maryland
*Admitted only in Virginia
*Practice limited to
Federal Agencies

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July 24, 2003

WRITER'S DIRECT NUMBER:

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RSCHWART@SKGF.COM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Via Hand Carry to
Examiner Coleman, B.
Art Unit 1624

Re: U.S. Utility Patent Application
Appl. No. 09/836,548, Filed: April 18, 2001
For: **Substituted 1,4-Thiazepine and Analogs as Activators of Caspases and Inducers of Apoptosis and the Use Thereof**
Inventors: Drewe *et al.*
Our Ref: 1735.0450001/RWE/RAS

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Copy of the Request to Correct Inventorship In A Non-Provisional Patent Application Under 37 C.F.R. § 1.48(a)(1) previously filed on November 4, 2002;
2. Copy of the Original Statement Under 37 C.F.R. § 1.48(a)(2) of A Person To Be Added or Deleted As An Inventor, previously filed on November 4, 2002;
3. Copy of the Original Substitute Declaration executed by all of the inventors previously filed November 4, 2002;
4. Copy of the Original Consent of the Assignee Under 37 C.F.R. § 1.48(a)(5) executed by Axys Pharmaceuticals, Inc and Cytovia previously filed November 4, 2002;
5. Copy of the PTO stamped postcard; and
6. One (1) return postcard.

Commissioner for Patents
July 24, 2003
Page 2

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It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert A. Schwartzman, Ph.D.
Agent for Applicants
Registration No. 50,211

RWE/RAS:law
Enclosures

::ODMAMHODMA\SKGF_DC1;159075;1

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Coleman, B.
735.0450001/RWE/RAS

Confirmation No.: 6789

Art Unit: 1624

Examiner: Coleman, B.

Atty. Docket: 1735.0450001/RWE/RAS

For: Substituted 1,4-Thiazepine and Analogues as Activators of Caspases and Inducers of Apoptosis and the Use Thereof

Request To Correct Inventorship In A Nonprovisional Patent Application Under 37 C.F.R. § 1.48(a)(1)

Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicant(s) requests that the United States Patent and Trademark Office correct inventorship in the above-captioned nonprovisional patent application for which an oath or declaration has already been filed. Specifically Applicant(s) request(s) that the Office change the inventorship in this application from John A. Drewe, Sui Xiong Cai, Emma Jane Shelton, Joanne Litvak, David Sperandio and Jeffrey R. Spencer to John A. Drewe, Sui Xiong Cai, Emma Jane Shelton, Joanne Litvak, David Sperandio, Jeffrey R. Spencer and Martin Sendzik.

This request is accompanied by:

- (1) A statement from each person to be added as an inventor, and/or each person to be deleted as an inventor, stating that the error in inventorship was made without deceptive intent on his or her part;

OKay
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- (2) An oath or declaration by the actual inventor or inventors as required by 37 C.F.R. § 1.63 or as permitted by 37 C.F.R. §§ 1.42, 1.43 or 1.47;
- (3) The written consent of the assignees of the originally named inventors; and
- (4) The processing fee as set forth under 37 C.F.R. § 1.17(i), in our attached check no. **37216** for \$130.00.

Applicant(s) hereby authorize the U.S. Patent and Trademark Office to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert A. Schwartzman
Agent for Applicants
Registration No. 50,211

Date: November 4, 2002

1100 New York Avenue, N.W.
Suite 600
Washington, D.C. 20005-3934
(202) 371-2600

COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Drewe *et al.*

Appl. No. 09/836,548

Filed: April 18, 2001

For: **Substituted 1,4-Thiazepine and
Analogues as Activators of Caspases
and Inducers of Apoptosis and the
Use Thereof**

Confirmation No.: 6789

Art Unit:

Examiner:

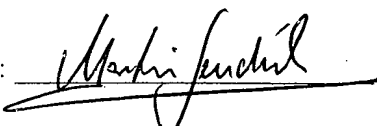
Atty. Docket: 1735.0450001/RWE/RAS

**Statement under 37 C.F.R. § 1.48(a)(2) of A Person
To Be Added Or Deleted As An Inventor**

Commissioner for Patents
Washington, D.C. 20231

Sir:

I am a coinventor of the invention of one or more claims in the above-captioned nonprovisional application for which an oath or declaration under 37 C.F.R. § 1.63 has been filed erroneously not naming me as an inventor. The inventorship error occurred without deceptive intent on my part. I have read and understand 37 C.F.R. § 10.18(b).

Signed:  Date: 10/01/02
Martin Sendzik

COPY

Combined Declaration and Power of Attorney for Patent Application

Docket Number: 1735.0450001/RWE/BEC/RAS

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled Substituted 1,4-Thiazepine and Analogs as Activators of Caspases and Inducers of Apoptosis and the Use Thereof, the specification of which is attached hereto unless the following box is checked:

- ☒ was filed on April 18, 2001;
as United States Application Number or PCT International Application Number 09/836,548; and
was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or (f) or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application, which designated at least one country other than the United States of America, listed below, and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

(Application No.) (Country) (Day/Month/Year Filed)

☐ Yes ☐ No

(Application No.) (Country) (Day/Month/Year Filed)

☐ Yes ☐ No

I hereby appoint the following attorney(s) and/or agent(s) associated with **CUSTOMER NUMBER 28393** to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, such attorneys currently being:

Robert G. Sterne, Esq., Reg. No. 28,912; Edward J. Kessler, Esq., Reg. No. 25,688; Jorge A. Goldstein, Esq., Reg. No. 29,021; David K.S. Cornwell, Esq., Reg. No. 31,944; Robert W. Esmond, Esq., Reg. No. 32,893; Tracy-Gene G. Durkin, Esq., Reg. No. 32,831; Michele A. Cimbala, Esq., Reg. No. 33,851; Michael B. Ray, Esq., Reg. No. 33,997; Robert E. Sokohl, Esq., Reg. No. 36,013; Eric K. Steffe, Esq., Reg. No. 36,688; Michael Q. Lee, Esq., Reg. No. 35,239; Steven R. Ludwig, Esq., Reg. No. 36,203; John M. Covert, Esq., Reg. No. 38,759; Linda E. Alcorn, Esq., Reg. No. 39,588; Lawrence B. Bugaisky, Esq., Reg. No. 35,086; Donald J. Featherstone, Esq., Reg. No. 33,876; and Robert C. Millionig, Esq., Reg. No. 34,395.

Send Correspondence to:

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 New York Avenue, N.W.
Suite 600
Washington, D.C. 20005-3934

Direct Telephone Calls to:

(202) 371-2600

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on

information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor	John A. Drewe
Signature of sole or first inventor	<i>John A. Drewe</i> 7/25/02 Date
Residence	Carlsbad, California
Citizenship	United States of America
Mailing Address	7069 Murillo Lane
	Carlsbad, California 92009
Full name of second inventor	Sui Xiong Cai
Signature of second inventor	<i>Sui Xiong Cai</i> 7/25/02 Date
Residence	San Diego, California
Citizenship	United States of America
Mailing Address	3623 Berryfield Court
	San Diego, California 92130
Full name of third inventor	Emma Jane Shelton
Signature of third inventor	Date
Residence	Menlo Park, California
Citizenship	United States of America
Mailing Address	680 Lemon Street
	Menlo Park, California 94025

Full name of fourth inventor	Joane Litvak
Signature of fourth inventor	Date
Residence	Oakland, California
Citizenship	United States of America
Mailing Address	555 Jean Street, Apt. 626
	Oakland, California 94610
Full name of fifth inventor	David Sperandio
Signature of fifth inventor	Date
Residence	Mountain View, California
Citizenship	Switzerland
Mailing Address	150 Paseo Court
	Mountain View, California 94043
Full name of sixth inventor	Jeffrey R. Spencer
Signature of fifth inventor	Date
Residence	San Francisco, California
Citizenship	United States of America
Mailing Address	8 Baycrest Way
	South San Francisco, California 94080

Full name of seventh inventor	Martin Sendzik
Signature of fifth inventor	Date
Residence	
Citizenship	
Mailing Address	

(Supply similar information and signature for subsequent joint inventors, if any)

SKGF_DC;1;29859;1

COPY

Combined Declaration and Power of Attorney for Patent Application

Docket Number: 1735.0450001/RWE/BEC/RAS

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled Substituted 1,4-Thiazepine and Analogs as Activators of Caspases and Inducers of Apoptosis and the Use Thereof, the specification of which is attached hereto unless the following box is checked:

- ☒ was filed on April 18, 2001;
as United States Application Number or PCT International Application Number 09/836,548; and
was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or (f) or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application, which designated at least one country other than the United States of America, listed below, and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

(Application No.) (Country) (Day/Month/Year Filed)

☐ Yes ☐ No

(Application No.) (Country) (Day/Month/Year Filed)

☐ Yes ☐ No

I hereby appoint the following attorney(s) and/or agent(s) associated with **CUSTOMER NUMBER 28393** to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, such attorneys currently being:

Robert G. Sterne, Esq., Reg. No. 28,912; Edward J. Kessler, Esq., Reg. No. 25,688; Jorge A. Goldstein, Esq., Reg. No. 29,021; David K.S. Cornwell, Esq., Reg. No. 31,944; Robert W. Esmond, Esq., Reg. No. 32,893; Tracy-Gene G. Durkin, Esq., Reg. No. 32,831; Michele A. Cimbala, Esq., Reg. No. 33,851; Michael B. Ray, Esq., Reg. No. 33,997; Robert E. Sokohl, Esq., Reg. No. 36,013; Eric K. Steffe, Esq., Reg. No. 36,688; Michael Q. Lee, Esq., Reg. No. 35,239; Steven R. Ludwig, Esq., Reg. No. 36,203; John M. Covert, Esq., Reg. No. 38,759; Linda E. Alcorn, Esq., Reg. No. 39,588; Lawrence B. Bugaisky, Esq., Reg. No. 35,086; Donald J. Featherstone, Esq., Reg. No. 33,876; and Robert C. Millonig, Esq., Reg. No. 34,395.

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Washington, D.C. 20005-3934

Direct Telephone Calls to:

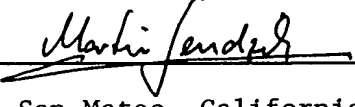
(202) 371-2600

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on

information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor	John A. Drewe
Signature of sole or first inventor	Date
Residence	Carlsbad, California
Citizenship	United States of America
Mailing Address	7069 Murillo Lane
	Carlsbad, California 92009
Full name of second inventor	Sui Xiong Cai
Signature of second inventor	Date
Residence	San Diego, California
Citizenship	United States of America
Mailing Address	3623 Berryfield Court
	San Diego, California 92130
Full name of third inventor	Emma Jane Shelton
Signature of third inventor	Emma Jane Shelton Date August 27, 2002
Residence	Menlo Park, California
Citizenship	United States of America
Mailing Address	680 Lemon Street
	Menlo Park, California 94025

Full name of fourth inventor	Joane Litvak	
Signature of fourth inventor	<i>Joane Litvak</i>	08.20.02 ^{Date}
Residence	Oakland, California	
Citizenship	United States of America	
Mailing Address	555 Jean Street, Apt. 626	
	Oakland, California 94610	
Full name of fifth inventor	David Sperandio	
Signature of fifth inventor	<i>David Sperandio</i>	8/20/02 ^{Date}
Residence	Mountain View, California	
Citizenship	Switzerland	
Mailing Address	150 Paseo Court	
	Mountain View, California 94043	
Full name of sixth inventor	Jeffrey R. Spencer	
Signature of fifth inventor	<i>Jeffrey R. Spencer</i>	8/20/2002 ^{Date}
Residence	<i>JRS 8/20/2002 South</i>	San Francisco, California
Citizenship	United States of America	
Mailing Address	8 Baycrest Way	
	South San Francisco, California 94080	

Full name of seventh inventor	Martin Sendzik
Signature of fifth inventor	 Date 8/20/02
Residence	San Mateo, California US
Citizenship	German
Mailing Address	177 N. El Camino Real #3 San Mateo, California 94401

(Supply similar information and signature for subsequent joint inventors, if any)

SKGF_DC;1;29859;1

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Drewe *et al.*

Appl. No. 09/836,548

Filed: April 18, 2001

For: **Substituted 1,4-Thiazepine and
Analogues as Activators of Caspases
and Inducers of Apoptosis and the
Use Thereof**

Confirmation No.: 6789

Art Unit:

Examiner:

Atty. Docket: 1735.0450001/RWE/RAS

Consent of the Assignee under 37 C.F.R. § 1.48(a)(5)

Commissioner for Patents
Washington, D.C. 20231

Sir:

Cytovia, Inc., assignee of John A. Drewe and Sui Xiong Cai's entire right, title and interest in the above-captioned application, consents to the change in inventorship from John A. Drewe, Sui Xiong Cai, Emma Jane Shelton, Joane Litvak, David Sperandio and Jeffrey R. Spencer to John A. Drewe, Sui Xiong Cai, Emma Jane Shelton, Joane Litvak, David Sperandio, Jeffrey R. Spencer and Martin Sendzik. I have read and understand 37 C.F.R. § 10.18(b).

For: Cytovia, Inc.

Signature: Ben Y. Tseng

Type or Print Name: Ben Y. Tseng, Ph.D.

Vice President, Biology

Title: _____

Date: July 25, 2002

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Drewe *et al.*

Appl. No. 09/836,548

Filed: April 18, 2001

For: **Substituted 1,4-Thiazepine and
Analogues as Activators of Caspases
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Confirmation No.: 6789

Art Unit:

Examiner:

Atty. Docket: 1735.0450001/RWE/RAS

Consent of the Assignee under 37 C.F.R. § 1.48(a)(5)

Commissioner for Patents
Washington, D.C. 20231

Sir:

Axys Pharmaceuticals, Inc., assignee of Emma Jane Shelton, Joane Litvak, David Sperandio and Jeffrey R. Spencer's entire right, title and interest, consents to the change in inventorship from John A. Drewe, Sui Xiong Cai, Emma Jane Shelton, Joane Litvak, David Sperandio and Jeffrey R. Spencer to John A. Drewe, Sui Xiong Cai, Emma Jane Shelton, Joane Litvak, David Sperandio, Jeffrey R. Spencer and Martin Sendzik. I have read and understand 37 C.F.R. § 10.18(b).

For: Axys Pharmaceuticals, Inc.

Signature: Michael C. Venuti

Type or Print Name: MICHAEL C. VENUTI

Title: General Manager - SSF

Date: 8/20/02